

United States District Court

MAY 21 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Pedro Fonseca Jr.

Principal

Case Number:

YOB: 1991

United States

M-16- 0991 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 19, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Kirenía Pilar Hernandez-Garcia, Alex Antonio Aguilar-Garcia, and Erick Josue Rodriguez-Flores citizens and nationals of Honduras, along one (1) other undocumented alien, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 19, 2016, Border Patrol agents responded to a call from Mission Police Department Officers requesting assistance. When agents arrived, the officers stated that Mission Police Department Officers had responded to 1700 W Business 83 in Mission, Texas, in reference to a telephonic complaint of a possible kidnapping. As the officers approached the location, they observed a tan Nissan Altima sedan identified by their dispatch as being driven by the suspect to the kidnapping. One of the responding officers performed a traffic stop and identified the driver of the Nissan Altima as Pedro FONSECA Jr. Meanwhile, another officer made contact with four alleged victims at 1700 W Business 83. The alleged victims advised the officer that FONSECA had held them against their will at a residence located at 703 N Los Ebanos, Lot 7, in Mission, Texas. The alleged victims stated that FONSECA was demanding \$2,500.00 from each and that they needed to pay the money in order to continue their journey. The alleged victims also advised the officer that after they managed to escaped, FONSECA had followed them in the tan Nissan Altima in an effort to retrieve them. The four alleged victims were identified as Alex Antonio AGUILAR-Garcia, Erik Josue RODRIGUEZ-Flores, Reynaldo QUINTANILLA-Pineda, and Kirenía HERNANDEZ-Garcia.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Francisco Sanchez Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

May 21, 2016
Date

4:11 pm

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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CONTINUATION:

Pedro FONSECA, Jr. was placed under arrest by Mission Police Department and charged with four counts of Unlawful Restraint. FONSECA is currently in the custody of Mission Police Department awaiting judicial process for the four counts of Unlawful Restraint. Border Patrol Agents determined that FONSECA is a United States Citizen.

Border Patrol agents also determined that the four victims were in the United States illegally; they were placed under arrest and transported to McAllen Border Patrol Station for processing.

Border Patrol Agents R. Martinez and I. Barrientos read FONSECA his Miranda Rights. FONSECA agreed to provide a statement without and attorney present. This interview was conducted at the Mission Police Department facility.

PRINCIPAL STATEMENT:

Pedro FONSECA Jr. stated that he was hired to scout for any law enforcement in the area while another vehicle would pick up illegal aliens and transported them to a stash house in Mission, Texas. FONSECA also stated that he was going to be paid \$150.00 USD per alien. FONSECA continued by stating that a vehicle driven by a female he knows as Jessica picked up the illegal aliens and transported them to a trailer house near the intersection of Los Ebanos Rd. and Business 83 in Mission, Texas. FONSECA indicated that once at the trailer house, Jessica's and her husband's intentions were to hold the aliens for ransom by demanding their family members more money to be smuggled to Houston, Texas. FONSECA stated that he witnessed when Jessica's husband took away the aliens' phones. FONSECA stated that he also witnessed when Jessica and her husband talked to one of the aliens' relatives and demanded \$2,500 USD to smuggle the alien to Houston, Texas. FONSECA also stated that he was outside the trailer when he saw the four aliens running out of the trailer. FONSECA indicated that he followed the four aliens in an attempt to calm them down and have them return to the trailer. FONSECA admitted his participation in this alien smuggling event

MATERIAL WITNESS – 1

Kirenia Pilar HERNANDEZ-Garcia was read her Miranda Rights and agreed to provide a statement without an attorney present.

Kirenia Pilar Hernandez Garcia a citizen of Honduras, stated that her husband made the smuggling arrangements and does not know how much her husband paid for her to be smuggled into the United States. HERNANDEZ stated she and seven others crossed the Rio Grande River on a raft with the help of one smuggler. HERNANDEZ indicated that the smuggler gave them instructions to walk north and provided them with his phone number in case they would get lost or needed help. HERNANDEZ also stated that after walking for hours, a female later identified as Jessica driving a white car picked her and three other aliens up. HERNANDEZ explained that the other three aliens stayed behind because they did not fit in the vehicle. HERNANDEZ stated that Jessica drove them to a trailer house and instructed them to get inside the trailer house. HERNANDEZ also stated that once inside the trailer, a man later identified as Pedro FONSECA Jr. instructed them to sit down and to contact their family members

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demanding an additional \$1,000.00 USD. HERNANDEZ explained that FONSECA told them that if they did not pay the money, he was going to call immigration. HERNANDEZ also explained that FONSECA told them that the smuggling arrangements had changed and that he was only trying to help them get to Houston, Texas.

HERNANDEZ stated that she knew that they were trying to extort them and she called her husband to explain the situation. HERNANDEZ said that FONSECA talked to her husband and then hung up. After that, FONSECA was done with her phone, he kept her phone and then Jessica took away the phones from the other aliens. HERNANDEZ stated that FONSECA and Jessica stepped out of the trailer. HERNANDEZ explained that one of the other aliens, hid his phone and was able to communicate via text message with the smuggler that helped them cross. HERNANDEZ stated that the smuggler from Mexico told them not to pay anything and to run away because they were going to get robbed. HERNANDEZ explained that they ran from the property and got to the lobby of a hotel nearby. HERNANDEZ continued explaining that when they were running, FONSECA was following them in his vehicle yelling at them to get in the vehicle. HERNANDEZ stated that when they got to the hotel, the hotel employee called the police while FONSECA was outside waiting for them to come out. HERNANDEZ also stated that when police came, FONSECA drove away and was later stopped by police. HERNANDEZ identified Pedro FONSECA Jr. through a photo lineup as the man trying to extort them and followed them to the hotel.

MATERIAL WITNESS - 2

Alex Antonio AGUILAR-Garcia was read his Miranda Rights and agreed to provide a statement without an attorney present.

Alex AGUILAR-Garcia a citizen of Honduras stated that his father made the smuggling arrangements and was to pay \$6,500 USD to be smuggled to New York. AGUILAR stated that he crossed the Rio Grande River illegally with the help of a smuggler. AGUILAR also stated that once in the United States, they walked for several hours until they got picked up by a vehicle driven by a female later identified as Jessica. AGUILAR explained that Jessica drove them to a trailer house. AGUILAR stated that they went inside the trailer and short after, three males arrived demanding more money. AGUILAR also stated that the female alien, Kirenia Pilar HERNANDEZ-Garcia called someone in Mexico and explained the situation and then HERNANDEZ gave the phone to one of the men. The man took the phone and hung up. AGUILAR stated that later, the men took their phones away but one of the aliens was able to hid his phone and was able to communicate with the smuggler in Mexico and explained the situation. AGUILAR then stated that the men walked outside the trailer and during that time the smuggler from Mexico texted them to run away because they were going to get kidnapped.

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AGUILAR stated that they decided to get out and run away from the trailer and ask for help. AGUILAR also stated that one man followed them in a vehicle and tried to block them as they were running to ask for help. They finally got to a hotel and asked for help. They called the police and the man was outside the business signaling them to go outside. AGUILAR explained that moments later the police arrived and arrested the man and interviewed them. AGUILAR identified Pedro FONSECA Jr. through a photo lineup as the person demanding more money and trying to kidnap them

MATERIAL WITNESS - 3

Erick Josue RODRIGUEZ-Flores was read his Miranda Rights and agreed to provide a statement without an attorney present.

Erick Josue RODRIGUEZ-Flores citizen of Honduras, stated he made the smuggling arrangements and was to pay \$7,000.00 USD to be smuggled to Chicago, Illinois. RODRIGUEZ also stated that he crossed the Rio Grande River illegally and walked several hours before being picked up by a grey car driven by a female driver later identified as Jessica. He described the female driver as being thin with tattoos on her neck, arms, and left leg. RODRIGUEZ stated that another grey car escorted them while Jessica transported the illegal aliens. The escort vehicle was travelling in tandem with their vehicle scouting for law enforcement. RODRIGUEZ claims that Jessica drove them to a trailer house. RODRIGUEZ stated that once inside the trailer, one man later identified as Pedro FONSECA Jr. told them they had to pay \$2,500.00 USD to be smuggled to Houston, Texas. RODRIGUEZ also stated that FONSECA told them that they were not leaving until they paid the money and even placed a chair by the door and sat there to prevent them from leaving. RODRIGUEZ explained that the female traveling with them Kirenia Pilar HERNANDEZ-Garcia called the smuggler in Mexico to explain the situation and the smuggler demanded to speak with FONSECA. She gave the phone to FONSECA and FONSECA went to a room to talk to the smuggler. RODRIGUEZ stated that moments later, the men came back and took their phones away but by this time, RODRIGUEZ had hidden his phone in his pocket. RODRIGUEZ also stated that after the men got the phones, the men stepped outside the trailer. During that time, RODRIGUEZ received a text message from the smuggler from Mexico stating that they were going to be kidnapped and to escape. At that time, they ran out the door and called the police. RODRIGUEZ also stated that while they were running for help, one of the men, followed them in a vehicle trying to get them back. RODRIGUEZ explained that they finally got to a hotel and an employee called the police. RODRIGUEZ stated that moments later police arrived and arrested FONSECA. RODRIGUEZ identified Pedro FONSECA Jr. through a photo lineup as the man who tried to kidnap them and demanded more money from them.

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Note:

FONSECA was questioned about a video that was found in the cellular phone of Carlos CAZARES-Arguelles currently in custody of Border Patrol. CAZARES was arrested on May 16, 2016 for transporting seventeen illegal aliens. The video showed a group of suspected illegal aliens loading into a vehicle. FONSECA admitted that he had sent that video because CAZARES owed him money from those aliens in the video. Carlos CAZARES-Arguelles is currently pending trial for transportation of illegal aliens .